

**REMARKS**

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In the above identified application, there are two claims number 10 which resulted from the Applicant submitting two new claims, numbered 10 & 11, in the Amendment filed April 5, 2001, whereas there already was a claim 10 in the application. The Applicant's attorney understood the originally filed claim 10 to have been cancelled in the prosecution of the corresponding PCT application.

As directed above, original claim 10 has now been cancelled and it has been requested that the claims numbered as 10 and 11 in the amendment filed April 5, 2001 be renumbered as new claims 11 and 12.

In the Office Action, Examiner objected to the drawings on the grounds that the drawings do not show a wedge shaped block as recited in claim 10. The Examiner contends that the block shown in Figure 6h and described in the specification as "wedge shaped," is in fact not wedge shaped because "wedge shaped" is defined as tapering to a thin edge. To overcome this objection, the Applicant has cancelled the description in claim 11 describing the block as forming a wedge shape. In view of the foregoing, it is submitted that the Examiner's objection to the drawings is no longer applicable.

The Examiner rejected claim 10 (now claim 11 as renumbered) as failing to particularly point out and describe the invention because of the recitation that the block forms a wedge shape. Renumbered claim 11 no longer recites that the block forms a wedge shape and accordingly, the rejection of this claim is no longer applicable.

The Examiner also rejected claim 4 as being indefinite, contending that the recitation calling for the block to be square in plan view conflicts with the limitation requiring that the square plan view have dimensions of 4 cubes lying beside one another.

This claim is directed to a set of blocks and requires that one of the blocks have the shape shown in Figure 3. This block is square in plan view and has dimensions of four cubes as described in claim 1 lying beside one another. The claim language reciting that the cubes lie beside one another does not require the cubes to be arranged in a line. The cubes arranged in a square configuration as shown in Figure 3 lie beside one another.

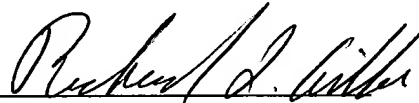
Accordingly it is submitted that claim 4 is not indefinite.

The Examiner rejected claims 1-3 and 5-9 under 35 U.S.C 102(b) as being anticipated by the Rinninger Patent No. 4,792,257. The Examiner is thanked for the courtesy of the interview at which this reference was discussed. As pointed out in the interview, claims 1-3 and 5-9 all patentably distinguished from the Rinninger patent by requiring that the molded block have approximately the shape of a cube shape. Examiner contended that the Rinninger block was approximately a cube shape. However, the Rinninger block does not have approximately the shape of a cube but instead is in the form of a slab as shown in Figure 2b of the Rinninger patent and as described in column 3, lines 30-40, where it is stated that the horizontal dimensions of the block shown in Figures 2a and 2b is 178mm and that the height is 70mm. Thus the horizontal dimensions of the Rinninger square slab are more than 2 1/2 times the height of the slab and accordingly, the Rinninger slab can not be considered to have approximately the shape of a cube. As held in *Quantum Corporation v. Rodime, PLC*, 36 U.S.P.Q 2d, 1162,116 (C.A.F.C. 1995). The word "approximately" means "reasonably close to". The square slab shown in the Rinninger patent is clearly not reasonably close to a cube.

The Applicants' invention by providing paving stones approximately in the shape of cubes with at least one face having a rounded portion, enables the paving stones to produce a variegated surface pattern with a level surface when the stones are laid on a level bed such as shown in figure 4 of the application. The variegated pattern can be achieved with only one stone shape because the stone shape is approximately that of a cube allowing the single stone shape to be laid in different orientations.

In view of the foregoing, it is submitted that this application is now in condition for allowance and favorable reconsideration thereof is earnestly solicited.

Respectfully submitted,



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**APPENDIX**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Original claim 10 has been cancelled.

Claim 10 filed in the Amendment dated April 5, 2001 has been amended as follows:

11. (Amended) A molded block according to claim 1 wherein opposite side faces of said molded block taper toward each other [to form a wedge-shape].